

U. S. Appln. No. 09/768,904

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REMARKS

This is a timely response to the Office Action of April 19, 2004. No amendments are proposed in this response. Therefore, the Applicants request reconsideration and reexamination of the application based upon the comments set forth below.

Rejections under 35 U.S.C. § 102

The Examiner rejects Claims 9 - 16, 19-20 under 35 U.S.C. 102(e) as being anticipated by Lee et al. (U.S. Patent No. 6,255,155 B1). The Examiner is reminded that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that "[the] identical invention must be shown in as complete detail as is contained in the ... claim." MPEP 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Applicants submit that the Examiner has not shown that Lee teaches each and every element as set forth in the rejected claims.

The Examiner asserts that Lee et al "discloses on figure 8 a semiconductor device adapted to prevent and/or thwart reverse engineering." The Examiner further asserts that figure 8 discloses "a metal plug contact 42 disposed outside a contact region 38b and above said field oxide layer, wherein said metal plug contact is electrically isolated from said contact region."

The Applicants submit that the Examiner has not shown that Lee teaches, discloses, or suggests "a semiconductor device adapted to prevent and/or thwart reverse engineering." The Applicants note that the Examiner has not cited any specific portion of Lee that provides the alleged teaching of "a semiconductor device adapted to prevent and/or thwart reverse engineering." The Applicants further note that a word search of the Lee patent document as presented at the USPTO web site showed no matches for the words "reverse" or "engineering." How can Lee teach "a semiconductor device adapted to prevent and/or thwart reverse engineering" when the term "reverse engineering" is not even found in the Lee patent?

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The Examiner is reminded that 37 CFR 1.104(c)(2) requires that "when a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable." Therefore, the Applicants respectfully request that the Examiner point out the portion of Lee that supports the Examiner's assertion that Lee teaches "a semiconductor device adapted to prevent and/or thwart reverse engineering." If the Examiner is unable to do so, the Applicants respectfully request that the Examiner withdraw the rejection of Claims 9-16 and 19-20 based on Lee.

The Applicants further submit that Lee does not teach "a metal plug contact 42 disposed outside a contact region 38b and above said field oxide layer, wherein said metal plug contact is electrically isolated from said contact region" as asserted by the Examiner. The Examiner cites figure 8 for this teaching, but the Applicants respectfully point out that FIG. 8 presents a cross-section along line II-II of the structure shown in FIG. 6. A proper interpretation of the teachings of Lee requires the evaluation of FIGS. 6, 7, 8, 9a-9d, and 10a-10c and the associated text in the Lee specification.

The Examiner asserts that region 38b is a "contact region" as claimed in Claims 9 and 13. Lee defines region 38a as a source region and region 38b as a drain region in the active region of the substrate 31. See col. 5, ll. 65 - 67. As such, one skilled in the art would understand the source region 38a to be electrically connected to the drain region 38b, since the movement of electrons between those two regions is required for the transistor defined by the source and drain regions to operate. Lee further states that metal pattern 43 is formed on the tungsten plug 42. See col. 6, ll. 10 - 12. So, it may also be concluded that the tungsten plug 42 is in electrical contact with metal pattern 43.

The Examiner asserts that "said metal plug contact is electrically isolated from said contact region." The Applicants submit that this assertion contradicts the teachings of Lee. Lee states at col. 6, ll. 21 - 25:

... and there is a metal contact 43 connected to the cell transistors in common through a common source contact region in the extended source region 38a. The metal contact 43 connected to the common source contact region has a line form in a direction crossing the control gate 37a. (Underlining added for emphasis)

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Therefore, the Applicants submit that Lee teaches that the metal pattern 43 is electrically connected to the source region. Further, since the metal plug 42 is in electrical contact with the metal pattern 43, the metal plug 42 is in electrical contact with the source region 38a. Finally, since the source region 38a is in electrical contact with the drain region 38b, as discussed above, the metal plug 42 is in electrical contact with the drain region 38b.

Hence, the Applicants submit that Lee does not teach "said metal plug contact is electrically isolated from said contact region" as claimed in Claim 9. (Underlining added for emphasis). Instead, the Applicants submit that Lee teaches that the metal plug contact is electrically connected to the contact region, as defined by the Examiner. Therefore, the Applicants submit that the Examiner has not shown that Lee teaches each and every element as set forth in Claim 9. For this reason, the Applicants request that the Examiner withdraw the rejection of Claim 9 based on Lee.

The Applicants further request that the rejection of Claims 10 - 12 and 19 be withdrawn at least based upon the dependence of these claims, either directly or indirectly, on Claim 9.

The Applicants further submit that the Examiner has not shown that Lee teaches each and every element as set forth in Claim 13, for the same reasons presented above for Claim 9. Therefore, the Applicants request that the Examiner withdraw the rejection of Claim 13 based on Lee. The Applicants further request that the rejection of Claims 14 - 16 and 20 be withdrawn at least based upon the dependence of these claims, either directly or indirectly, on Claim 13.

Allowable Subject Matter

In the Office Action, the Examiner states that Claim 23, dependent on Claim 9, and Claim 24, dependent on Claim 13, would be allowable if rewritten in independent form and including all of the limitations of the base claims from which they depend. However, as discussed above, the Applicants submit that the Examiner has not shown that Lee teaches each and every element of the base claims. Therefore, the Applicants submit that no amendments to Claims 23 and 24 are required and respectfully request that Claims 23 and 24 be allowed.

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In the Office Action, the Examiner allowed Claims 1 - 8 and 17 - 18. The Applicants have made no amendments to Claims 1 - 8 and 17 - 18, so these claims should remain allowed.

Conclusion

The Applicants respectfully submit that in light of the remarks above, all rejections of the claims have been overcome. Favorable consideration and prompt allowance of this application are earnestly solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being facsimile transmitted to Fax No. 703-872-9306 and addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on


June 18, 2004
(Date of Transmission)

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(Signature)

6-18-2004
(Date)

Respectfully submitted,


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